

PLANNING AND ZONING COMMISSION
Monday, October 11, 2010 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon, Mr. Vasko and Mr. Lynch, representing Landmarks.

Approval of Minutes

Dr. Konold made a motion to approve the minutes of the September 13, 2010 regular commission meeting with the correction. Mr. Vasko seconded the motion.

VOTE: AYES: Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon and Mr. Vasko
 NAYS:
 ABSTAIN: Mr. Abbott
 Motion Carried.

Public Comment - None

Public Hearings

Item 1. Variance application #VA-10-05 and Preservation Area application #PA-10-07

Property owner and applicant, Wendell Collier, for property located at 180 West Waterloo Street, requested a variance to (A) Section 1153.04 to allow an accessory structure without a principal structure, (B) Section 1185.05 to allow a gravel driveway, (C) Section 1195.04(a) to allow accessory structures within side yard setbacks and (D) Section 1195.04(e) to allow multiple accessory structures on a single property. Mr. Collier also requested Preservation Area approval for two metal carports. Andrew Dutton, Zoning Officer, gave the staff report. Mr. Collier was present to answer questions from the Commission.

Mr. Collier stated that the carport was on the property and not over the property line. He explained to the Commission that he put the structures up to protect his vehicles from rocks that kids were throwing from the railroad tracks. Mr. Collier continued that he looked at other types of carports (canvas) but did not believe they looked as good.

Mr. Knowlton asked what was in the garage. Mr. Collier stated that cars were stored in the garage as he had five cars.

Mr. Graber asked if the poles were attached to the asphalt. Mr. Collier responded that they were attached to the asphalt with long stakes.

Mr. Collier stated that the builder told him he did not need a permit, or he would have applied for one.

Mr. Knowlton inquired about the survey which shows the structure in the neighbor's yard. Mr. Collier stated that he had a fence put up one foot inside his property line and the structure was inside the fence.

Mr. Graber asked when the gravel was put down. Mr. Collier responded it was installed in September of 2008. Mr. Collier added that he intended to blacktop the gravel area.

Public Comment – none.

Mr. Vasko made a motion to close the public hearing. Mr. Knowlton seconded the motion.

VOTE: AYES: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon and Mr. Vasko

NAYS:

Motion Carried.

Mr. Knowlton indicated that he was concerned that one of the structures was possibly on the neighbor's property.

Dr. Konold stated that he did not want to set a precedent of allowing carports.

Mr. Vasko said that he couldn't think of any other property in as small as the applicant's property that had extra accessory structures. He continued that the applicant's two lots needed to be legally merged.

Mr. Abbott stated that he was not in favor of the carports and he did not believe they met the Preservation Guidelines. Mr. Knowlton stated that he agreed with Mr. Abbot.

Mr. Lynch asked if the applicant would go to Landmarks. Mr. Dutton responded that it would not, as the property was located in the Preservation Area, not the Historic area. Mr. Lynch also stated that the structure was not compatible with the main structure as required by the Preservation Guidelines.

Mr. Knowlton made a motion to approve application #VA-10-05. Mr. Vasko seconded the motion.

VOTE: AYES:
NAYS: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon
and Mr. Vasko

Motion failed.

Mr. Knowlton made a motion to approve application #PA-10-07. Mr. Vasko seconded the motion.

VOTE: AYES:
NAYS: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon, Mr. Vasko and Mr. Lynch

Motion failed.

Item 2. Variance application #VA-10-07 and Site Development Plan application #SDP-10-05

Property owner, Guernsey Bank and applicant Wagenbrenner Development & NRP Group LLC, for property located at 45 East Waterloo Street, requested a variance to (A) Section 1153.12(c) to allow a parking area less than fifteen feet from the right of way, (B) Section 1153.12(d) to allow a structure within the front and side yard setbacks and (C) Section 1167.04(b)(1) to allow a structure greater than forty feet in height. Also requested was Site Development Plan approval for a forty six unit senior housing development. Andrew Dutton, Zoning Officer, gave the staff report. He stated that Variance (A) was no longer needed as the parking area has been moved to nineteen feet from the right of way and the variance to the side yard setbacks was also no longer necessary. Joe Williams and Rob Harris with Wagenbrenner and Mary Hada with NRP Group were present to answer questions from the Commission.

Ms. Solomon asked the applicants if they were requesting any funding via the Ohio Housing Finance Agency or HUD funding. Mr. Williams stated that they were seeking funding. Ms. Solomon withdrew herself from review of the application because her employment with the Ohio Housing Finance Agency could potentially lead to a conflict of interest.

Mr. Vasko asked if a variance was needed for the flood plain issue. Gene Hollins, Village Solicitor, stated that a variance was not necessary at this time. Mr. Hollins also said that per his conversation with Mr. Williams, the floodplain would be addressed by bringing a portion of the property out of the floodplain. Mr. Hollins stated that the applicants were not requesting that the Site Development Plan application be voted on tonight and that it could be tabled.

Mr. Williams stated that he understood all the processes that would still be needed for final approval and that only the variances needed consideration at the current meeting.

Dr. Konold asked Mr. Williams about how meetings went with the residents. Mr. Williams said that the meeting was mostly positive, though the residents wanted more details on some items. Dr. Konold said that he spoke to a couple residents and they were concerned with privacy issues because of the building height.

Mr. Vasko asked if the EPA had evaluated the site. Mr. Williams stated that initial testing had been done on the property and no initial concerns were raised. Ms. Hada said that more soil boring would be done in the future.

Mr. Christensen opened the public hearing.

David Grammel, owner of a neighboring dental office, stated he was concerned about the building setbacks. He indicated that he had spoken to the fire department and they were concerned about how close the proposed structure would be to existing buildings. Mr. Grammel also raised concerns with the parking lot and problems with placing parking over the old canal bed.

Kim Stedman, resident of East Columbus Street, stated she had issues with the size of the building and the lack of green space. Mrs. Stedman continued that she did not believe the building should be allowed to have vinyl siding as it was against the Preservation Guidelines. Mrs. Stedman also stated her concerns with overwhelming the provided senior transportation and traffic problems.

Brent Foley, 33 North Trine Street, spoke in support of the project. Mr. Foley stated that he was glad to know something is being done with the property. He continued that he was glad the applicant had been

working with Main Street. Mr. Vasko asked if he had any problems with the variances. Mr. Foley said did not because none of the downtown was built to the current zoning code.

Mike Jones, 35 East Columbus Street, asked if the fire department has approved the building exceeding forty feet. Mr. Jones also stated that he opposed the project because of the height.

John Stedman, resident of East Columbus Street, asked if the property needed to be rezoned. Mr. Dutton stated it would not as the property is in the Old Town Overlay, which allows residential in the General Commercial District. Mr. Stedman also stated that the building needed to conform to current architecture in the area which is not as large.

Patrick Shea, resident of Ashbrook Village, stated that he was concerned about the proposed forty six units. Mr. Shea indicated that the project should have commercial development on the first floor, the number of units should be reduced, and rents should be higher.

Cindy Lynch, resident of East Columbus Street, stated that she wanted to keep the historical standards of downtown and she did not want to look at a massive building. Mrs. Lynch continued that residents of East Columbus Street were not directly sent a notice of the meeting.

Julie Struble, resident of Groveport Road, agreed that residents were not getting information.

Mike Green, 46 East Columbus Street, stated that he supported the project. Mr. Green agreed that a forty two foot building is tall, but would rather see the proposed project build than look at the existing site.

Gary Bumpis stated he recently became familiar with the project. Mr. Bumpis state that he would rather see a mixed use project and understands the concerns of the residents, however, he thought the proposed use would better than the current site.

James Baltzer, 6343 Streams End, stated he also liked the idea of commercial on the lower level. Mr. Baltzer also stated that he would rather see the size of the units increase and the residents' income of the increased.

Justin McKorgan, stated that he believed there will be traffic issues from the additional vehicles. Mr. McKorgan continued that he would rather see townhomes built on the site.

Tom Stedman, Patch Drive, indicated that he previously lived on Columbus Street. Mr. Stedman stated he did believe the project fit in with the downtown area. He also stated that two stories may be okay, but not three stories.

Mr. Grammel asked how long will the property be locked in to being age fifty-five and up. Mr. Williams stated the age requirement would be required for thirty years.

Michael Stobart, 15 East Columbus Street, state he was opposed to the project.

Mr. Vasko made a motion to close the public hearing. Mr. Knowlton seconded the motion.

VOTE: AYES: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, and Mr. Vasko

NAYS:

Motion Carried.

Ms. Hada asked if the zoning code allowed forty foot height. Mr. Dutton responded that the maximum height for structure, per the zoning code, was fourth feet. Ms. Hada also read a letter from Main Street in support of the project.

Mr. Williams stated that the project was meant to serve the seniors of Canal Winchester who want to down size. He continued that residents would walk to the coffee shop and shade. Mr. Williams also pointed out that forty feet was an allowable building height, as well as three stories and the applicants were only requesting two additional feet. Mr. Williams stated that no exterior materials had been decided as he was aware the projected needed future approval of the Landmarks Commission.

Mr. Vasko reminded the Commission that only the variances were requested at this time as the site plan would be tabled, per the applicant's request.

Mr. Vasko made a motion to approve application #VA-10-07 for a variance to Section 1153.12(d) to allow a structure with a zero foot front yard setback and a variance to Section 1167.04(b)(1) to allow a structure forty two in height. Mr. Vasko also stated that the variances to Section 1153.12(c) regarding parking setbacks and Section 1153.12(d) regarding side yard setbacks were no longer necessary for the project. Mr. Knowlton seconded the motion.

VOTE: AYES: Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold and Mr. Vasko
NAYS: Mr. Abbott

Motion Carried.

Mr. Vasko made a motion to table application #SDP-10-05 at the request of the applicant until the next meeting. Mr. Knowlton seconded the motion.

VOTE: AYES: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold and Mr. Vasko

NAYS:

Motion Carried.

Item 3. Site Development Plan application #SDP-10-01(Tabled from the 9/13/10 meeting)

Property owner Waterloo Crossing and applicant Todd Mosher of Greenberg Farrow, representing Discount Tire, for property with parcel number 184-002664 located on Gender Road between Burger King and Chase Bank, requested Site Development Plan approval for a 6,947 square foot Discount Tire. Andrew Dutton, Zoning Officer, gave the staff report. Todd Mosher was present to answer questions from the Commission.

Mr. Mosher explained the elevation changes since the last meeting.

Dr. Konold said that the applicant put a lot of effort in to redoing the elevation, but wondered if they could put glass in faux windows instead of brick.

Mr. Graber asked if the pond would be a wet pond or dry pond. Mr. Rosoto stated that the pond would be a dry pond.

The commission continued the discussion of other colors or patterns may look better for the faux brick windows.

Mr. Graber made a motion to approve application #SDP-10-01 with a change of color of the faux windows to match the color of the garage doors on the east elevation. Ms. Solomon seconded the motion.

VOTE:	AYES:	Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Ms. Solomon and Mr. Vasko
	NAYS:	Dr. Konold

Motion Carried.

Item 4. Final Development Plan application #FDP-10-01

Property owner and applicant, Southgate Company LTD, for property with parcel number 184-000868 located on the East side of Gender Road between Fox Hill Drive and Dietz Drive, requested Final Development Plan approval for a thirty-four unit condominium development. Andrew Dutton, Zoning Officer, gave the staff report. Frank Rosato was present to answer questions from Commission.

Mr. Vasko asked how much right-of-way is needed on Gender Road. Mr. Strayer said that there is twenty feet needed on each side. Mr. Vasko asked if there would be a turn lane on Gender Road. Mr. Strayer said no turn lane was planned, however, traffic issues would be reviewed during the engineering plan review process.

The Commission continued discussion about turn lanes on Gender Road and the possibly of the applicant conduction traffic study.

Mr. Rosato explained the changes from the 2006 plans.

Mr. Graber asked if the streets would be privately owned and if they would be built to the standards for the public streets. Mr. Rosato responded that the internal streets would be public and would not be built to public street standards. He continued that he did not foresee the streets ever being turned to the village.

The commission then had a discussion of the proposed vinyl siding versus hardi plank siding approved in the Preliminary Development Plan.

Dr. Konold made a motion to approve application #FDP-10-01 with the stipulation that a center turn lane, southbound on Gender Road, would be examined during engineering review and the pond on the site would be a wet pond. Mr. Graber seconded the motion.

Mr. Vasko made a motion to amend the previous motion to include that the condominiums be built with hardi plank instead of vinyl.

VOTE: AYES: Mr. Abbott, Mr. Christensen, Mr. Knowlton, Dr. Konold and Mr. Vasko
NAYS: Mr. Graber and Ms. Solomon

Motion Carried.

Vote on amended motion.

VOTE: AYES: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon and Mr. Vasko

NAYS:

Motion Carried.

Old Business - None

New Business - None

Planning and Zoning Administrator's Report

1. Mr. Dutton reminded the Commission that there would be a special Planning and Zoning Commission meeting on Wednesday, October 20th at 7:00 meeting for two applications remanded from Council

Adjournment

Mr. Vasko made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. Knowlton seconded the motion.

VOTE: AYES: Mr. Abbott, Mr. Christensen, Mr. Graber, Mr. Knowlton, Dr. Konold, Ms. Solomon and Mr. Vasko

NAYS:

Motion Carried.

Time Out: 9:29 p.m.

Date _____

Bill Christensen, Chairman

Jeff Graber, Secretary

NOTE: The minutes set forth herein are an extract of the Planning and Zoning Commission meeting. Anyone desiring a transcript of the complete minutes of the Planning and Zoning Commission meeting may obtain the same at a cost of \$10.00 per page.

